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REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed May 31, 2006. Claim 31 has been amended to correct a typographical error. Reconsideration and allowance of the application and pending claims 1-37 and 39-62 are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 103(a)**A. Rejection of Claims 1-8, 15-37 and 42-62**

Claims 1-8, 15-37 and 42-62 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Rothmuller* ("*Rothmuller*", U.S. 5,635,989) in view of *Legall et al.* ("*Legall*," U.S. Pat. No. 6,005,565). Claims 9-14 and 39-41 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Rothmuller* in view of *Legall*, and further in view of *Boyer et al.* ("*Boyer*," U.S. Pat. No. 6,268,849). Applicants respectfully traverse these rejections.

B. Discussion of the Rejection

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

In the present case, it is respectfully submitted that a *prima facie* case for obviousness has not been established.

Independent Claim 1

Claim 1 recites (with emphasis added):

1. A programmable television services client device for enabling a user to search for television program information, said client device comprising:
 - memory for storing a first data including respective program information corresponding to a plurality of television programs, said respective program information including a first program parameter;
 - display configuration information contained in said memory that includes a guide arrangement for an interactive program guide (IPG), wherein said guide arrangement is configured to provide a user-selectable search option for television programs in the first data; and
 - a processor configured to,
 - provide the IPG with a first portion of the first data, said first portion including program information for respective television programs according to the initial guide arrangement, said first portion including a channel area and a program display area, said program display area including television program titles corresponding to the television programs and time periods that are assigned to the television program titles,
 - provide the user-selectable search option having browse-by formats of title, theme, time and character word or sequence search responsive to the user selecting the user-selectable search option, ***the user-selectable search option being displayed in the channel area,***

provide a guide arrangement in the character word or sequence search format responsive to the user selecting the search format from the user-selectable search option,

receive a text string from the user by way of the guide arrangement in the character word or sequence search format, said text string being input by the user, said text string corresponding to the first program parameter,

search the first data in said memory for television programs corresponding to the received text string, and

responsive to searching the first data in said memory, provide a displayed search result comprising the IPG with a second portion of the first data, said second portion including program information for at least a portion of the corresponding television programs resulting from the search.

Applicants respectfully submit that *Rothmuller* in view of *Legall* fails to disclose, teach, or suggest at least the above-emphasized claim features. The Office Action alleges the following in the Response to Arguments section on page 13:

(page 13) Rothmuller fails to teach displaying search option in a channel area, however, this deficiency is discloses[sic] in Legall where a search option is displayed in a Power Search area which is also a channel area for selecting channels to be searched (figs.2 and 3B, channel selection arrows).

Applicants agree that *Rothmuller* fails to teach displaying the search option in a channel area, but respectfully disagree that *Legall* remedies this deficiency. Further, even assuming *arguendo* that *Legall* shows a channel area in the Power Search area, Applicants respectfully submit that the combination of *Rothmuller* and *Legall* fails to disclose, teach, or suggest at least the above-emphasized claim features. For instance, the emphasized feature of claim 1 clearly recites *the user-selectable search option being displayed in the channel area*. Reviewing claim 1, the “channel area” is expressed as part of a “first portion,” and the “first portion” is expressed as part of the

IPG (e.g., *provide the IPG with a first portion* of the first data). Even assuming the “channel selection arrows” could be construed as a part of the “Power Search area,” which Applicants believe is an erroneous construction, the channel selection arrows are clearly not part of a *channel area* of an *IPG*. For instance, the EPG in Figure 2 of *Legall* appears to be designated as item 220 in Figure 2 or 320 in Figure 3A, which clearly comprise areas that are separate from and distinctly identified from the channel selection areas or HTML window areas.

Additionally, Applicants respectfully submit that there is no basis to the allegation that the channel selection areas are part of the Power Search area. For instance, it is not clear from Figures 2 or 3, or the specification of *Legall*, what portion of the display encompasses the channel selection arrows, at least since there appears to be a clear delineation by boundary lines between the Power Search area in Figure 3 and the channel selection arrows. Further, in Figure 3 of *Legall*, there appears to be a clear delineation between the channel selection arrows and the EPG, as described above. Thus, Applicants respectfully disagree with the allegation that the channel selection arrows are part of the Power Search area, and respectfully submit that there is no support for that assertion in the figures or specification of *Legall*.

Thus, Applicants respectfully submit that the combination of *Rothmuller* and *Legall* fails to disclose, teach, or suggest at least the above-emphasized claim features, and respectfully request that the rejection of independent claim 1 be withdrawn.

Because independent claim 1 is allowable over *Rothmuller* and *Legall*, dependent claims 2-30, 59 and 60 are allowable as a matter of law for at least the reason that the dependent claims 2-30, 59 and 60 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

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Independent Claim 31

Claim 31 recites (with emphasis added):

31. A method for implementing a programmable television services client device to enable a user to search for television program information, said method for implementing a programmable television services client device comprising the steps of:

- receiving in the client device from a server device a first data including respective program information corresponding to a plurality of scheduled television programs;

- storing the first data in a memory of the client device;

- providing an IPG with a user-selectable search option for television programs in the first data, the user-selectable search option having browse-by formats of title theme, time, and a character word or sequence search, said IPG including a channel area and a program display area, said program display area including television program titles corresponding to the television programs and time periods that are assigned to the television program titles,

- responsive to the user selecting the character word or sequence search format of the user-selectable search option, **displaying the user-selectable search option in the channel area**, providing a guide arrangement in the character word or sequence search format, implementing a search for television programs in the first data stored in said memory of the client corresponding to a text string received from the user by way of the guide arrangement in the character word or sequence search format, said search being limited according to a user-selected time period to television programs corresponding to the user-selected time period, wherein the user-selected time period is selected by the user from a plurality of user-selected time periods; and

- responsive to implementing the search, providing a displayed search result in the IPG comprising program information from said first data corresponding to at least a portion of the television programs resulting from the search.

For similar reasons presented in association with independent claim 1, Applicants respectfully submit that the combination of *Rothmuller* and *Legall* fails to disclose, teach, or suggest at least the above-emphasized claim features, and respectfully request that the rejection of independent claim 31 be withdrawn.

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Because independent claim 31 is allowable over *Rothmuller* and *Legall*, dependent claims 32-37, 39-58, and 61-62 are allowable as a matter of law.

Rejection of Claims 9-14 and 39-41

As explained above, Applicants respectfully submit that *Rothmuller* in view of *Legall* fails to disclose, teach, or suggest at least the above-emphasized features of independent claims 1 and 31. Further, it is respectfully submitted that *Boyer* fails to remedy the deficiencies of *Rothmuller* and *Legall*. Thus, independent claims 1 and 31 are allowable over the combination of *Rothmuller*, *Legall*, and *Boyer*. For at least the reasons that dependent claims 9-14 and 39-41 incorporate the features of respective allowable independent claims 1 and 31, Applicants respectfully submit that claims 9-14 and 39-41 are allowable over the combination of *Rothmuller*, *Legall*, and *Boyer*.

In summary, it is Applicants' position that a *prima facie* for obviousness has not been made against Applicants' claims. Therefore, it is respectfully submitted that each of those claims is patentable and that the rejection of these claims should be withdrawn.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does

not include specific findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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